

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 23, 2006. Claims 1-26 were pending in the Application. In the Office Action, Claims 1-5 and 7-25 were rejected, and Claims 6 and 26 were objected to. Claims 1-26 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 112 REJECTIONS

Claim 8 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserts that Claim 8 is unclear regarding frequency derivation based on temperature (Office Action, page 2). Applicants respectfully disagree.

Claim 8 recites “deriving the frequency of the periodic signal from the speed input signal comprising a voltage signal indicating a temperature.” Applicants’ specification recites:

A speed input (V_{SPEED}) signal is supplied to a waveform generator 150 that derives a desired fan speed therefrom. The speed input signal may be generated from a temperature probe and comprise[s] a voltage level indicative of a measured temperature.

(paragraph 0027) (emphasis added). Further, Applicants’ specification recites that “a fan 10 . . . may be implemented in a cooling system of a personal computer or other electronics device” (paragraph 0020). Thus, Applicants respectfully submit that Claim 8, especially when read in light of Applicants’ specification, makes clear that a fan speed may vary based on the environment in which the fan is used to cool (e.g., the temperature of a personal computer or other electronic device in which the cooling system is implemented), and that the temperature may be obtained using a temperature probe. Thus, Applicants respectfully submit that Claim 8, especially when read in light of Applicants’ specification, particularly points out and distinctly claims the subject matter which Applicants regard as the invention in compliance with 35 U.S.C. § 112. Therefore, Applicants respectfully request that this rejection be withdrawn.

SECTION 102 REJECTIONS

Claims 1-5, 7 and 9-25 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,972,539 issued to Codilian et al. (hereinafter "*Codilian*"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Claims 1-5, 7 and 9-25 of the present Application are patentable over *Codilian*. However, Applicants have elected not to address the patentability of Claims 1-5, 7 and 9-25 over *Codilian* and instead submit that *Codilian* does not qualify as prior art under Section 102(e) and, therefore, no *prima facie* rejection has been made. By making this choice, Applicants do not admit the accuracy of the Examiner's remarks or reasoning or acquiescing in any way to the reasoning underlying the rejection.

Applicants conceived of the invention which is the subject of the present Application prior to April 30, 2003, the purported effective date of *Codilian*. In support thereof, Applicants submit the accompanying Declaration under 37 C.F.R. §1.131, the exhibit of which evidences the conception of the invention prior to the purported effective date of *Codilian*. Further, Applicants submit that the accompanying Declaration under 37 C.F.R. §1.131 evidences diligence in the completion of the invention which is the subject of the present Application from a time prior to the purported effective date of *Codilian* continuously up to the date of filing of the present Application. Accordingly, Applicants respectfully request that the rejection of Claims 1-5, 7 and 9-25 based on *Codilian* be withdrawn.

CLAIM OBJECTIONS


The Examiner objected to Claims 6 and 25 as being dependent on a rejected base claim (Claims 1 and 24, respectively). Applicants thanks the Examiner for indicating that Claims 6 and 25 would be allowable if rewritten in independent form. However, as discussed above, Applicants respectfully submit that independent Claims 1 and 24 are patentable over the cited reference. Therefore, Claims 6 and 25 which depend respectively from independent Claims 1 and 24 are also patentable. Thus, Applicants respectfully request that this objection be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

A Petition for Extension of Time under 37 C.F.R. § 1.17(a)(1) for a one (1) month extension is enclosed hereto. The Commissioner is hereby authorized to charge \$120.00 for the cost for obtaining the extension of time to Deposit Account No. 08-2025 of Hewlett-Packard Company. If, however, Applicants have miscalculated the fee due with this response or overlooked the need for any other fee, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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